

ORIGINAL

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JUN 25 2009

JAMES N. HATTEN, Clerk
By: Vicki Dougherty
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

KATHLEEN TURNER,

Plaintiff,

v.

FMA ALLIANCE, LTD.,
a Texas corporation,

Defendant.

CIVIL ACTION FILE

NO. 2 09 - CV - 0102 WCO

COMPLAINT FOR DAMAGES

INTRODUCTION

1. This is an action for damages against the defendant for violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.

SUBJECT MATTER JURISDICTION

2. Subject matter jurisdiction in this Court is proper pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337 (federal question jurisdiction).

PARTIES AND PERSONAL JURISDICTION

3. Plaintiff is a resident of this State, District and Division and is authorized by law to bring this action.
4. Defendant, FMA ALLIANCE, LTD., is a corporation organized under the laws of the State of Texas. [Hereinafter, said Defendant is referred to as "FMA"].
5. FMA transacts business in this state.
6. FMA's transactions in this state give rise to the Plaintiff's causes of action.
7. FMA is subject to the jurisdiction and venue of this Court.
8. FMA may be served by personal service upon an authorized agent or officer at its principal place of business, to wit: 11811 North Freeway, Suite 900, Houston, Texas 77060.
9. Alternatively, FMA may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure and, as applicable, the laws of the States of Georgia or Texas.

FACTS COMMON TO ALL CAUSES

10. FMA uses the mails in its business.

11. FMA uses telephone communications in its business.
12. The principle purpose of FMA's business is the collection of debts.
13. FMA regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.
14. FMA is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.
15. In the course of attempting to collect a debt allegedly due from Plaintiff to a business not a party to this litigation, FMA communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.
16. In 2009, FMA left a series of telephone messages for Plaintiff requesting a return call.
17. In several of the messages, FMA did not provide meaningful disclosure of its identity.
18. In several of the messages, FMA did not state that the communications were from a debt collector.
19. In several of the messages, FMA did not state that the communications were an attempt to collect a debt.
20. Defendant's communications violate the Fair Debt Collection Practices Act.

21. Plaintiff has complied with all conditions precedent to bring this action.

CAUSE OF ACTION

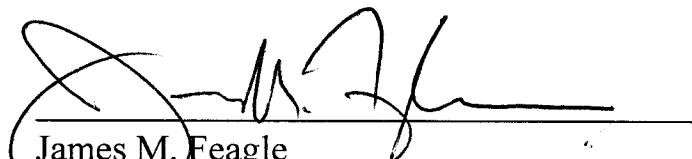
FAIR DEBT COLLECTION PRACTICES ACT

22. The acts of Defendant constitute violations of the Fair Debt Collection Practices Act.
23. Defendant's violations of the FDCPA include, but are not limited to, the following:
24. The placement of telephone calls without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6);
25. The use of any false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e; and
26. The failure to disclose in subsequent communications that the communication is from a debt collector, in violation of 15 U.S.C. § 1692e(11).
27. As a result of Defendant's actions, Plaintiff is entitled to an award of statutory damages, as well as an award of costs and attorney fees.

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT
JUDGMENT BE ENTERED AGAINST DEFENDANT AND IN FAVOR OF
PLAINTIFF, AS FOLLOWS:

- a) That Plaintiff be awarded statutory damages;
- b) That Plaintiff be awarded the expenses of litigation including a
reasonable attorney fee;
- c) That the Court declare each and every defense raised by Defendant to
be insufficient; and
- d) That the Court grant such further and additional relief as is just in the
circumstances.

Respectfully submitted,



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